

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

-against-

NOVARTIS PHARMACEUTICALS  
CORPORATION and BIOSCRIP, INC.,

Defendants.

**11 CIV. 8196 (CM)**

**NOTICE OF MOTION TO  
DISMISS THE AMENDED  
COMPLAINT IN  
INTERVENTION OF THE  
UNITED STATES OF AMERICA**

PLEASE TAKE NOTICE that, upon the Amended Complaint in Intervention of the United States of America filed January 8, 2014, and the accompanying Memorandum of Law, Defendant Novartis Pharmaceuticals Corporation hereby moves this Court before the Honorable Colleen McMahon, United States District Court, Southern District of New York, 40 Foley Square, New York, New York, for an order, pursuant to Federal Rules of Civil Procedure 9(b), dismissing the Amended Complaint in Intervention of the United States of America, and granting such other and further relief as the Court deems just and proper.

Dated: February 28, 2014

Respectfully submitted,

/s/ Michael A. Rogoff  
Michael A. Rogoff  
Manvin Mayell  
KAYE SCHOLER LLP  
425 Park Avenue  
New York, New York 10022  
Tel. No.: 212-836-8000  
michael.rogoff@kayescholer.com

Evan R. Chesler  
Rachel G. Skaistis  
CRAVATH, SWAINE & MOORE LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019  
Tel. No.: 212-474-1000

Faith E. Gay  
Manisha M. Sheth  
QUINN EMANUEL URQUHART & SULLIVAN LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010  
Tel. No.: 212-849-7000

*Counsel for Defendant*  
*Novartis Pharmaceuticals Corporation*